PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In Re Application of | ) | |
| | ) | For: METHOD AND APPARATUS FOR |
| Turner | ) | MONITORING A CHANNEL |
| | ) | DURING AN ACTIVE SESSION IN |
| | ) | A WIRELESS COMMUNICATION |
| Serial No. 10/075,058 | ) | SYSTEM |
| | ) | |
| Filed: February 11, 2002 | ) | Group No. 2416 |

**REPLY BRIEF UNDER 37 C.F.R. § 41.41**

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 223 13-1450

Sir:

In response to the Examiner's Answer dated June 29, 2009, this Reply Brief under 37 C.F.R. §41.41 is being filed.

## REMARKS

The Examiner's Answer dated June 29, 2009 basically re-asserts the rejections introduced in the January 11, 2008 Non-Final Office Action and maintained in the September 5, 2008 Office Action and December 17, 2008 Advisory Action. In addition, the arguments presented by the Examiner on pages 8-12 of the Examiner's Answer essentially maintain the Examiner's prior positions.

For example, the arguments in the Examiner's Answer focus primarily on the flow diagram of FIG. 5 of U.S. Patent No. 6,269,402 to Lin et al. (hereinafter, "Lin"). On page 9 of the Examiner's Answer, the Examiner asserts:

> Examiner does not agree because referring to Lin et al., fig. 5, steps 506, 510, 512, 516, a client after establishing a communication session to a server over bearer network 106 (step 506; col. 5, lines 45-50), interrupts the communication session by requesting a suspension to the bearer network 106 (step 512, col.5, lines 55-53 and 15-25). The client later issues a resume command to reconnect the communication session over the same bearer network 106 (see step 516; col.6, lines 15-25).

As already of record in the Appellant's Appeal Brief, Appellant acknowledges that Lin states the same bearer network may be reused when the communication session is resumed. (See, e.g., Appellant's Appeal Brief, pages 6-10.) However, the full context of Lin's statement reads: "the session may be established over the same bearer network but with different network parameters." (Col. 6, lines 21-23; emphasis added.) Lin goes on to explain that in this case "a second envelope identifier is defined" which "includes a new client address, a new client port number, a new server address and a new server port number." (Col. 6, lines 26-29.) Thus, although Lin says that the first bearer network may be reused, resuming the communication still requires a new, second network connection which establishes new parameters and is even disclosed as using a second envelope identifier. This can hardly be considered a "pause" of a network connection as claimed.

Accordingly, because the Examiner's positions remain unchanged, Appellant directs the

Board of Appeals to the March 24, 2009 Appeal Brief for a more detailed explanation of Lin and its deficiencies with respect to the claim language.

Furthermore, Appellant does not believe that the arguments presented by the Examiner on pages 10-12 of the Examiner's Answer have truly addressed Appellant's arguments in the Appeal Brief showing that the references Lin and U.S. Patent 6,937,861 to Vanghi (hereinafter "Vanghi") are not properly combinable. (See Appellant's Appeal Brief, pages 10-12.) In particular, the Examiner's arguments simply restate the alleged teachings of Lin and Vanghi separately, then assert:

> Therefore, it would have been obvious to one skilled in the art to combine the teaching of Lin et al. with Vanghi to transmit the suspend request to the first network. The motivation is to configure data transmission from a first network to a second network by transmitting a suspension request the first network. Once the data transmission with the second network completes, a resume command may be issued to reconnect the data transmission with the first network. (Examiner's Answer, pages 11-12.)

This statement ignores the problems outlined by the Appellant in the Appeal Brief where, even if the Examiner's interpretation of the references is correct, the proposed modification of Vanghi by the teachings of Lin would (1) render Vanghi unsatisfactory for its intended purpose of continuing communication with the first radio network without having to completely re-establish such a connection, (2) render the fade timer tracking techniques of the invention described in Vanghi unsatisfactory for their intended purpose, and (3) change the principle of operation of Vanghi. None of these deficiencies of the combination are addressed in the Examiner's response.

Accordingly, Appellant also directs the Board of Appeals to the March 24, 2009 Appeal Brief for a more detailed explanation the problems associated with combining Lin and Vanghi.

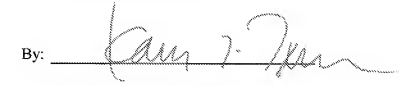
## CONCLUSION

Appellant respectfully submits that claims 1-31 are patentable over the applied art and that all of the rejections by the Examiner should be reversed.

In the event of any fees that may be associated with this brief, please charge the amoutn to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: August 28, 2009

By: 

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